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PATENT

Attorney Docket No. 896034605001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. application of : Elizabeth K. Barber  
Serial No. : 09/966,264  
Filed : September 28, 2001  
For : **GENE EXPRESSION CONTROL DNA  
ELEMENT AND ASSOCIATED PROTEIN**  
Group Art Unit : 1632  
Examiner : Unknown

#8/A  
Plunkett  
3/2/03

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

I hereby certify that this correspondence  
is being deposited today with the United  
States Postal Service as first class mail in  
an envelope addressed to: Commissioner for  
Patents, Washington, D.C. 20231  
on Sept. 12, 2002  
By: Jacqueline O'Brien

Sir:

This application claims the benefit of U.S. Provisional Application, Serial No. 60/237,079, filed September 30, 2000.

In response to a Notice to Comply with sequence listing requirements mailed June 19, 2002, a substitute Sequence Listing in both computer readable form (CRF) and paper copy was submitted on August 15, 2002. An error in listing the total number of sequence listings submitted in the substitute CRF and substitute paper copy has been noted by applicant. Therefore, applicant encloses herewith a second substitute CRF and paper copy. The contents of the second substitute CRF and paper copy are the same and contain no new matter. Applicant respectfully requests entry of the second substitute sequence listing into the Specification.

As a result of the amendments to the Sequence Listing, applicants respectfully request that the Specification and Figures of the above-identified application be preliminary amended, as indicated below.

A set of amended Formal Drawings is submitted with this Preliminary Amendment to replace the informal Figures submitted with the application.